

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

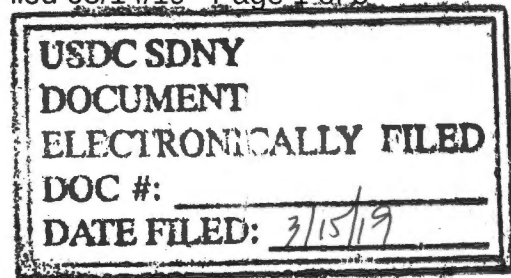
SANWAR AHMED and ANA BUESTAN,  
Individually and On Behalf of All Others  
Similarly Situated,

Plaintiffs,

v.

CITY OF NEW YORK, and individually and in  
their official capacity as New York City  
Department of Health and Mental Hygiene  
Inspectors JOSEPH PERSAUD and UKO UTIN  
and JOHN DOES 1-5,

Defendants.



Case Number: 17 CV 3044 (SHS)

**CLASS ACTION**

**STIPULATION OF DISMISSAL WITH PREJUDICE AND TO AMEND CAPTION**

**WHEREAS**, on April 26, 2017, Plaintiffs brought the above-captioned putative class action (the "Action") under 42 U.S.C. §§ 1983 and 1988, on behalf of themselves and all others similarly situated, alleging that Defendants seized unpermitted mobile food-vending equipment from licensed and unlicensed mobile food vendors without providing property vouchers to enable retrieval of the seized property, contrary to the Fourth, Fifth, and Fourteenth Amendments to the United States Constitution, and the laws of the State of New York;

**WHEREAS**, on February 11, 2019, the Plaintiffs and Defendants entered into a Stipulation of Settlement;

**WHEREAS**, Plaintiff Sanwar Ahmed and Defendant City of New York have agreed to enter into an Amended Stipulation of Settlement (the "Amended Settlement Agreement");

**WHEREAS**, pursuant to the Amended Settlement Agreement, the parties have agreed to dismiss with prejudice any and all claims by Plaintiff Ana Buestan against Defendants and that

Plaintiff Ana Buestan's claims against Defendants will be resolved in a separate settlement agreement;

**WHEREAS**, pursuant to the Amended Settlement Agreement, the parties have agreed to dismiss with prejudice any and all claims against Defendants Joseph Persaud, Uko Utin, and John Does 1-5.

**NOW, THEREFORE**, the parties do hereby **STIPULATE** and **AGREE** as follows:

1. Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), any and all claims by Plaintiff Ana Buestan against Defendants are hereby dismissed with prejudice pursuant to a separate stipulation and the caption shall be amended to reflect this dismissal.
2. Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), any and all claims by Plaintiffs against Defendants Joseph Persaud, Uko Utin, and John Does 1-5 are hereby dismissed with prejudice and the caption shall be amended to reflect this dismissal.
3. The Clerk of the Court is hereby authorized and directed to amend the caption of this Action to remove Plaintiff Ana Buestan and Defendants Joseph Persaud, Uko Utin, and John Does 1-5. The amended caption is as follows:

SANWAR AHMED, Individually and On Behalf  
of All Others Similarly Situated,

Plaintiffs,

v.

CITY OF NEW YORK,

Defendant.

Case Number: 17 CV 3044 (SHS)

**CLASS ACTION**

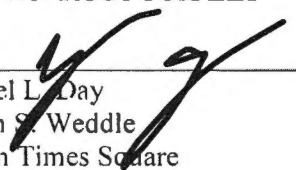
4. Nothing in this Stipulation shall constitute, nor be deemed to constitute, a waiver of any rights or objections of the parties in connection with the Action or otherwise.

5. Each person who executes this Stipulation represents that he or she is duly authorized to execute this Stipulation on behalf of the respective parties hereto and that each such Party has full knowledge of, and has consented to, this Stipulation.

6. This Stipulation may be executed in counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument. Delivery of a counterpart by telecopier, email or other electronic means shall be effective as delivery of a manually executed counterpart, and it shall constitute sufficient proof of this Stipulation to present any copy, copies, or facsimiles signed by the parties hereto to be charged.

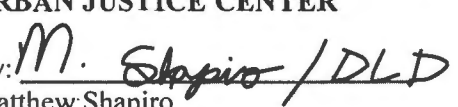
IN WITNESS WHEREOF, the parties hereto have caused this Stipulation to be executed as of March 14, 2019.

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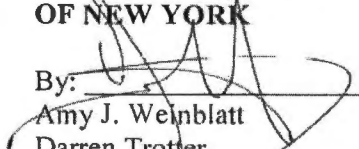
-and-

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*Counsel for Defendants*

**IT IS SO ORDERED.**

Dated:  March 15, 2019

**HON. SIDNEY H. STEIN  
UNITED STATES DISTRICT JUDGE**

**CERTIFICATE OF SERVICE**

I hereby certify that on March 14, 2019, the foregoing Stipulation of Dismissal with Prejudice and to Amend Caption was filed with the Clerk of the Court using the CM/ECF system and served upon all counsel of record through the CM/ECF system.

Dated: March 14, 2019  
New York, New York

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